

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BLAKE MARINE GROUP, LLC

Plaintiff,

- against -

RV INTERNATIONAL DMCC

Defendant,

and

COMPASS MARITIME SERVICES, LLC

Garnishee.

Civil Case No.:

ECF Case

ADMIRALTY

**VERIFIED COMPLAINT AND REQUEST FOR ISSUANCE OF WRITS OF
MARITIME ATTACHMENT AND GARNISHMENT**

Plaintiff, Blake Marine Group, LLC (“Blake” or “Plaintiff”), through undersigned counsel, and for its Verified Complaint against RV International DMCC (“RV” or “Defendant”) and stating an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, alleges as follows:

JURISDICTION AND VENUE

1. This is an admiralty and maritime claim within the meaning of **Rule 9(h)** of the Federal Rules of Civil Procedure and falls under this Court’s admiralty and maritime jurisdiction pursuant to 28 U.S.C. § 1333.
2. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).
3. Blake brings this action to obtain security for its maritime claims pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture

Actions (“Rule B”), seeking an order and writ of maritime attachment and garnishment over property of the Defendant that is in the possession, custody, care or control of Compass Maritime Services, LLC, as Garnishee.

THE PARTIES

4. At all material times hereto, Blake is a corporation organized under the laws of the state of Pennsylvania and has a place of business at 1404 Pointe View Drive, Mars, PA 16046.

5. At all material times hereto, RV is and was a foreign business entity organized under the law of a foreign state. RV has a place of business at Unit No. 47-J, Almas Towers, Jumeirah Lake Tower, Dubai, UAE.

6. Upon information and belief Defendant has contractual and business relations with the named Garnishee wherein such Garnishee is in possession of and has control over funds of Defendant, holding as an intermediary such funds, and such funds held by Garnishee are funds due and owing directly to Blake.

7. Garnishee Compass Maritime Services LLC (“Compass”) is located within this district at Glenpointe Center West – First Floor, 500 Frank W. Burr Boulevard, Teaneck, New Jersey 07666 USA.

RELEVANT FACTS

8. On or about June 15, 2018, Blake and Defendant entered into a contract for the reactivation (the “Reactivation Contract”) of four Mobile Offshore Drilling Units (“MODU”) belong to Defendant.

9. Pursuant to the Reactivation Contract, Blake would provide equipment and services to reactivate the MODUs and invoice the Defendant for equipment and services rendered.

10. Blake has sent invoices (five) to Defendant calling upon them to make payment

for equipment and services provided for the reactivation of the Defendant's MODU's. The first two invoices were paid in full. To date, Defendant has not made any payments on the last three invoices.

11. To date, the outstanding invoices total \$64,366.63.

12. Upon information and belief, rather than pay monies owed to Blake directly, on or about July 17, 2018, the Defendant deposited owed monies, in the amount of \$54,178.59, with Compass as intermediary garnishee.

13. Blake is entitled to recover \$64,366.63 plus interest, expenses and costs for amounts outstanding for equipment and services provided by Blake pursuant to the Reactivation Contract.

APPLICATION FOR ISSUANCE OF RULE B ATTACHMENT AND GARNISHMENT

14. Plaintiff repeats and re-alleges the foregoing paragraphs as if fully set-forth herein.

15. The underlying dispute arises from breach of a maritime contract.

16. Despite demand for the sums due as further detailed herein, Defendant has not made payment.

17. Upon information and belief, Defendant cannot be found within this district within the meaning of Rule B (see accompanying Affidavit of Clayton J. Vignocchi).

18. However, Defendant's property can now or will soon be found within this district namely in the possession, custody, care or control of Garnishee Compass.

19. The total amount to be restrained and attached as security for Plaintiff's claim is \$70,964.21¹.

¹ \$64,366.63 in unpaid invoices plus two years interest at 5% (the federal prime rate as of June 14, 2018) compounded annually. Market Data Center, Wall. St. J., http://online.wsj.com/mdc/public/page/2_3020-moneyrate.html (last visited July 30, 2018).

WHEREFORE, Plaintiff Blake Marine Group, LLC prays as follows:

1. That process in due form of law according to the practice of this Court in the form of a writ of maritime attachment and garnishment be issued against property of Defendant with the Garnishee listed in Paragraph 7 of this Verified Complaint, or any other garnishees upon whom the writ of maritime attachment and garnishment may be served;
2. That Defendant RV International DMCC, and any other person claiming an interest therein, may be cited to appear in the matters aforesaid and that judgment be entered against RV International DMCC and in favor of Blake Marine Group, LLC in an amount to be determined at trial, but not less than \$70,964.21;
3. That this Court retain jurisdiction over this matter through the entry of any judgment or award associated with any of the claims currently pending, or which may be initiated in the future, including any appeals thereof; and,
4. That this Court grant Plaintiff such other and further relief which it may deem just and proper.

Dated: New York, New York
July 31, 2018

HOLLAND & KNIGHT LLP

By: 

Clayton J. Vignocchi

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New York, New York 10019

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Attorney for Blake Marine Group, LLC.

Of Counsel:

Holland & Knight LLP New York

James H. Power (*pro hac vice* forthcoming)

VERIFICATION

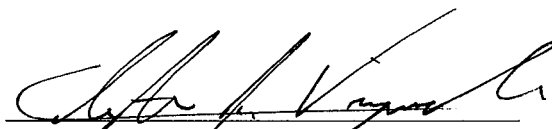
STATE OF NEW YORK)

:ss.:

COUNTY OF NEW YORK)

CLAYTON J. VIGNOCCHI, being duly sworn, deposes and says:

I am a member of the firm of Holland & Knight LLP, and am counsel for Blake Marine Group LLC ("Plaintiff"). I am authorized by Plaintiff to make this verification. Accordingly, I have read the foregoing Verified Complaint and know the contents thereof, and the same are true and correct to the best of my knowledge. I have reviewed documentation provided to me by Plaintiff's representatives and corresponded with Plaintiff's representatives regarding this matter.


Clayton J. Vignocchi

Sworn to before me this

31 day of July, 2018



Notary Public

Elvin Ramos
Notary Public, State of New York
NO. 01RA4870243
Qualified in Queens County
Certificate filed in New York County
Commission Expires September 2, 2018